REMARKS

The present Office Action addresses and rejects claims 1-9, and 11-13. Applicants respectfully request reconsideration of the present application in view of the above amendments and following remarks.

Amendments to the Claims

Applicants amend claim 3 to correct a typographical error. No new matter is added.

Rejections Pursuant to 35 U.S.C. §102

Claims 1-9 and 11-13 stand rejected pursuant to 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,221,075 to Törmälä *et al* ("Törmälä"). The Examiner alleges that Törmälä discloses a bioabsorbable medical device comprising a first bioabsorbable surface, a second bioabsorbable contact surface, a bioabsorbable lubricating coating disposed on at least a section of each of the first and second contacting surfaces, wherein the first a second contacting surfaces are moveable with respect to each other, thereby providing reduced device drag. Applicant respectfully disagrees.

At the outset, Applicants note that the Examiner fails to explain how Törmälä meets the claim limitations. The Examiner generally cites to column 10, lines 38-49, which only refers to the plate 17 and bone screw 23 - the only components disclosed by Törmälä that are moveable with respect to each other. However, there is no teaching that at least part of each of these components has a bioabsorbable coating, and the Examiner fails to explain how Törmälä meets this limitation. The Examiner then cites to column 11, lines 62-67, and column 12, lines 1-7, which refer only to the composition of the plates. These passages likewise do not contain any teaching of frictional properties of the layers or coatings, or any mention of the reduction of device drag as an object of the invention. Furthermore, the layers that make up the parts disclosed in columns 11 and 12 are not moveable with respect to each other. As will be explained below, the Examiner's characterization of the teachings of Törmälä is incorrect; Törmälä does not teach or even suggest a device having the features recited in any of claims 1, 5

and 9.

Independent claims 1, 5 and 9 are directed to bioabsorbable medical devices having first and second bioabsorbable contact surfaces and a bioabsorbable *lubricating coating* disposed on at least a section of each of the first and second contacting surfaces that provides reduced device drag. The second contact surface must be in engagement with the first contact surface, and these two surfaces must *be moveable with respect to each other.*

First, Törmälä does not teach or suggest a bioabsorbable lubricating coating. Törmälä discloses implants with "a flexible outer layer, which is a surface layer improving the toughness of the implant and/or operating as a hydrolysis barrier, and a stiffer inner layer or core." (Col. 11, line 63-66). Although Törmälä discloses that the outer layer can have "different chemical and mechanical properties (e.g., hydrolysis and strength retention) than the core of the implant," the properties of the outer later are designed only to allow the implant to "retain its strength and biodegrade in less time than it would without such an outer coating." (Col. 11, line 67 to Col. 12, line 7). There is no teaching of any frictional properties of the flexible outer layer of Törmälä. Furthermore, Törmälä does not contemplate device drag, and device drag is not a problem that Törmälä seeks to overcome.

Second, Törmälä does not teach or suggest a coating of any sort on the first and second contacting surfaces that are engageable and moveable with respect to each other. Törmälä discloses a bone screw 23 with a head 24 that may be contained below the top face 19 of the plate 17 in countersink 22. The lower surface of screw head 24 and countersink surface 22 are the only two contacting surfaces disclosed by Törmälä that are moveable with respect to each other. However, Törmälä does not disclose a coating on either or both of these surfaces. Although, as discussed above, Törmälä discloses layered implants, there is no disclosure of a layered screw or screw head. The disclosure related to layered implants is directed only to layered or coated plates, not layered or coated screws.

Accordingly, independent claims 1, 5 and 9 are not anticipated by Törmälä, and therefore represent allowable subject matter. Claims 2-4, 6-8, and 11-13 are allowable at least because

they depend from an allowable base claim.

Conclusion

In view of the foregoing, Applicants submit that all previously submitted claims, as amended, are now in condition for allowance, and allowance thereof is respectfully requested. Examiner Philogene is urged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

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